

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**February 27, 2008**

The meeting was called to order at 4:07 p.m. by Vice-Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, and Mary Jayne Davis

**ABSENT:** Harold Woodruff, Dale Clayton, and Jason Jones

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Steve Pastorik, Steve Lehman, Ron Weibel, Jody Knapp, Hannah Thiel, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Claire Gillmore, Asst. City Attorney

**AUDIENCE**

Approximately forty (40) people were in the audience

## **ZONE TEXT CHANGE APPLICATION:**

### **ZT 3-2008**

#### **West Valley City**

#### **Amendments of Sections 7-103 and 7-9-104**

Currently the West Valley City code allows for detention facilities and jails to be located in a Manufacturing Zone as a conditional use. However, the use is not defined in the Code and requirements for locating such facilities are not defined. Therefore, the following guidelines are proposed:

#### **Definition:**

“Detention Facility/Jail” means any facility operated to house offenders in a secure setting for the duration of their confinement commitment, or facility providing assessment, stabilization and treatment services for parole violating offenders and/or non-compliant probationers.

#### **Parking:**

2 spaces per 3 employees, 1 space per 20 inmates and 1 space per each service vehicle stored on site.

Note: Parking spaces must be adequately sized for the vehicles being stored or parked on site.

#### **Spacing Requirements:**

No Detention Facility/Jail shall be located within one quarter mile of any public or private school, church, public library, public playground or park, or residential zone boundary.

The site should have a buffer of at least 200 feet between the fenced compound and site property line. This buffer area may include xeriscape or turf landscaping or may be used for parking.

Shall not be within 5 miles of any other Detention Facility/Jail

#### **Building:**

The primary façade of the facility must meet the West Valley City Commercial Design Standards.

#### **Landscaping:**

The landscaped setback along any public or private right of way must be at least 60 feet. The area must include a 2-3' berm with one tree planted every 600 square feet. No more than 50% turf is allowed in this area and there must be a combination of 4 shrubs per tree with a mixture of living and non-living groundcover.

#### **Noticing:**

The applicant shall send a notice by mail to all property owners or persons operating a business

within 300 feet of the property line of a proposed Detention Facility/Jail Detention Facility/Jail indicating the exact location of the property and its intended use.

**Staff Alternatives:**

1. **Approval** of the suggested amendments to Section 7-103 and 7-9-104 of the West Valley City Municipal Code.

**Applicant:**

West Valley City

**Discussion:** Jody Knapp presented the application. Commissioner Conder asked if the distance requirement from a residential zone includes an agricultural zone as well. Ms. Knapp replied that it does.

Commissioner Mills indicated that she believes the 200 foot landscaping buffer is a better choice over the parking option. Commissioner Matheson stated that he preferred a parking buffer because weeds could become an unattractive problem. Ms. Knapp added that if neither option felt right, there was still a 60 foot setback. Commissioner Mills stated that landscaping would make the area more aesthetically pleasing. Public and private owners should be encouraged to maintain their land and take pride in the appearance of their buildings and surroundings. Commissioner Mills also added that the additional 200 feet feels like a necessary buffer.

Commissioner Mills asked what other Planning Commission members felt about the 5 mile requirement between facilities versus a 3 mile requirement. Commissioner Conder stated that he preferred the 5 mile spacing requirement because this would allow for less facilities to enter the City.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the 200 foot buffer being xeriscaped or landscaped.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Majority – ZT-3-2008 – Approved**

**SUBDIVISION APPLICATION:**

**SV-1-2008**

**Market Street – (From Lehman Avenue to 3650 South)**

**BACKGROUND**

West Valley City is requesting a street vacation for a portion of Market Street. The portion to be vacated is located to the south of Lehman Avenue extending south to 3650 South.

The request, submitted by West Valley City, is to vacate the right-of-way in anticipation of light rail, the bus hub and City Center plaza, all parts of the Intermodal Center. Proposed improvements in this area of the City Center are the driving force behind the street vacation. Construction could begin in May 2008. The current location of Market Street will become a part of the bus hub, and plaza, with a small section crossed by the Light Rail project.

The vacated right-of-way will not adversely affect the adjacent business to the east, the Credit Union, as frontage and access requirements will still be satisfied. Although all issues related to the Credit Union have not been resolved, it is expected that this site can be modified to provide sufficient access, especially for their drive through banking functions. The drive through may exit through the City Hall parking lot.

Various properties to the west will also be included in the development plans noted above. UTA and the City have been negotiating the purchase of certain properties that fall within the development site. The majority of the properties are owned by the Utah Transit Authority and WVC.

According to City ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

**RECOMMENDATION**

1. Approval of the street vacation plat because the area is needed for the transit improvements associated with the Intermodal Center.
2. Continue the application due to issues raised at the public hearing.

<b><u>Applicant:</u></b> West Valley City	<b><u>Favored</u></b> Dee Hanson 5445 South Highland Dr. Holladay, UT 84117	<b><u>Opposed</u></b> Ricki Landers 3661 S. Market St. WVC, UT 84119
<b><u>Opposed</u></b> Floyd Mann 3551 Market St. WVC, UT 84119	<b><u>Opposed</u></b> Colleen Stephens 2883 W. Lehman Ave. WVC, UT 84119	<b><u>Opposed</u></b> Nicole Howard 3605 S. 3600 W. WVC, UT 84119

**Discussion:** John Janson presented the application. Commissioner Conder stated that construction will begin in May and questioned if Market Street will be closed at this time. Mr. Janson explained that the road will be kept open for as long as possible and the project will begin with the demolition of several buildings. Commissioner Fuller asked if the portion north of Lehman Ave. would remain open. Mr. Janson stated that Market Street would stay open going north to 3500 south and there will also be a one way road from 2700 West coming into Lehman Ave. and the Market Street intersection. Commissioner Fuller asked if either of these roads would ever be closed during this process. Mr. Janson stated that he didn't anticipate either of them to be closed at any point and both should remain open during construction.

Commissioner Mills asked about the America First credit union and questioned what options were being explored to allow customers to utilize and exit the drive through. Mr. Janson explained that there are 3 potential solutions to this problem. The first option is to allow customers to travel south of the building and come back into the parking lot. Another option is the possibility of having customers go through the bus hub temporarily. The third option is circulating around to the north and out of the West Valley City parking lot. Mr. Janson explained that no plans have been finalized yet but these options are all being explored and discussed with the America First credit union.

Commissioner Fuller asked Mr. Janson to explain why these changes are necessary. Mr. Janson explained that TRAX will be coming from the main line at 2100 South with stops at Metro Business Park at about 2300 South, Redwood Road, the E-Center, and the end of line stop at City Hall. This Intermodal Center will combine three modes of transportation including TRAX, buses, and the bus rapid transit system to provide a convenient transfer location. Commissioner Fuller asked what amenities will be provided at this location. Mr. Janson explained that there will likely be a small picnic area, sky shade structures, artwork, landscaping, and various sitting locations.

Dee Hanson, a real estate broker for America First credit union, stated that he is working with UTA and the City on this project and the credit union is dedicated and committed to serving this area. Mr. Hanson stated that America First feels that the change the

Intermodal Center will bring will provide a positive step forward for the branch and the area. Mr. Hanson said that the credit union will remain open during construction. Commissioner Matheson stated this branch appeared to be very busy and asked if the new facility to the West would relieve some of the burden. Mr. Hanson replied that the new branch is not a replacement for this one and there will eventually be another branch in this area. Commissioner Conder stated that there are 3 different options being looked at to route traffic from the credit union and asked Mr. Hanson which one he preferred. Mr. Hanson stated that he is working with UTA and West Valley City to determine the most beneficial and appropriate method of routing traffic. Commissioner Conder asked if the branch will be relocated during construction? Mr. Hanson stated that America First credit union is anticipating the relocation of this branch to occur after construction is completed.

Ricki Landers, a neighbor living near the proposed project, stated that there are several questions she would like to have answered. Ms. Landers felt it was important to understand the time period buses will be entering the neighborhood, how long the buses will be idling in one location, and how the apartment buildings being torn down will be handled in regards to asbestos. Ms. Landers expressed she has asthma and feels these changes may negatively impact her health and the health of her neighbors. Mr. Janson reminded Ms. Landers that this application is requesting that a portion of Market Street be vacated and these concerns can be explained and resolved in a neighborhood meeting that staff will arrange. Ms. Landers expressed her frustration that the Planning Commission hearings are scheduled at 4:00pm and stated that most people do not get off work until a later time. She feels that the City is doing the bare minimum to address this issue and stated that many people on Lehman Ave. and Market Street did not receive proper notification regarding this application. Ms. Landers stated that air quality in Utah is extremely poor and the vacation of Market Street will instigate the demolition of the apartment buildings that Ms. Landers stated likely have asbestos. She doesn't believe the City has given proper consideration to the residents of this area and feels frustrated because she doesn't believe her opinion and concerns are appropriately being considered and addressed. Ms. Landers, and several people from the audience, voiced their opinion that these issues need to be adequately addressed before the portion of Market Street is vacated. Mr. Janson explained that environmental impact meetings were held that did address some of these factors. Ms. Landers expressed her frustration and stated that she was never notified of any meetings, including this public hearing. Ms. Landers stated that she doesn't want to have to take time off of work to go to another early meeting and hear the same explanations. She would like to have an evening meeting and is extremely irritated that none of her concerns are going to be addressed at the present time. Mr. Janson stated that the questions Ms. Landers has are technical questions that specialists need to address. Commissioner Fuller added that a lot of the concerns were directed toward UTA and a meeting can be organized to address these issues. Commissioner Matheson expressed concern about Ms. Landers comments.

Floyd Mann, another neighbor near the project, expressed his frustration that the City only sent notification letters to a 300 foot radius. Mr. Mann stated that this feels unfair and inaccurate because more people will be affected by this application. Mr. Mann stated that the West Valley City newspaper had no listing for the Planning Commission meeting and no one in the community was properly notified. Mr. Mann questioned how this street closure will benefit the many residents of Market Street that do not utilize Trax or buses. Mr. Mann expressed his concern for the safety of pedestrians crossing the street and mentioned that there are a lot of accidents that need to be addressed by the City. He also expressed his frustration and doubts regarding the proposed plan for traffic flow during construction. Commissioner Conder clarified with Mr. Janson that traffic flow will be appropriately addressed and looked at by the City. Mr. Janson stated that it would.

Colleen Stephens, a neighbor living on Lehman Ave., asked if people will be coming off Market Street down Lehman Ave. every day. Ms. Stephens stated that the only way to get out onto 3200 West does not include a traffic light. Ms. Stephens explained that there is a lot of traffic in this area every morning and at night and believes this proposal will make the problem more pronounced. Ms. Stephens asked Mr. Janson if there would be a continuous flow of people going down Lehman Ave.. Mr. Janson explained that there are other options for traffic to utilize.

Nicole Howard, another concerned neighbor, stated that buses will be coming and going near her front yard and questioned about the sound issues this may potentially cause. Mr. Janson stated that this was addressed in the environmental impact statement. Possible solutions that were discussed included incorporating a possible sound wall, increasing the insulation in homes, and updating windows. Mr. Janson said that residents will be contacted individually regarding this matter in the future.

Commissioner Mills stated that the time and day of the Planning Commission public hearing does not change and neither does the 300 foot mailing radius that is a minimum required by State law. These two items have been standard since West Valley was recognized as a city. Commissioner Conder added that public notice should have happened accurately and this will need to be looked into by staff. Commissioner Conder continued to state that the Planning Commission's primary duty is to make the best decisions they can on the applications that come through and then make an informed recommendation to City Council who ultimately make the final decision. Commissioner Conder stated that in the overall picture, if the Intermodal Center is going to be built at this location, this street needs to be vacated. Commissioner Conder stated that the benefits seem to outweigh the negatives because TRAX will provide a lot of benefit to the City in character, transportation, etc. Commissioner Conder believes that this application should move forward but the concerns of the residents, America First credit union, and even City Hall should all be appropriately addressed. Commissioner Matheson agreed and added that if West Valley wants to grow and develop a refined City Center, this is one step in

the right direction. Commissioner Davis also agreed and added that something should be done to help the residents feel more comfortable with the project. Another meeting should be scheduled, at a time convenient to the residents, that provides more detailed information to help the neighborhood feel like they have a voice and more options in this development. Commissioner Davis also stated that there seems to be a lot of misconception concerning what Planning and Zoning actually does because this department doesn't have a lot of power on most of the issues being presented. Commissioner Davis said that a lot of these concerns are directed toward UTA and only UTA could provide the most accurate and detailed answers. John Janson added that he will ensure a meeting is organized for the residents.

Commissioner Fuller stated that he lives in this neighborhood as well and understands the concerns of the residents. Ms. Landers stated that it's just another closure to the City and this project won't effect anyone personally but the residents.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for approval and included a recommendation to staff to arrange a public neighborhood meeting to resolve issues raised by residents

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	No

**Majority - SV-1-2008– Approved**

**S-5-2008**  
**Highbury Place Subdivision – Phase 4**  
**2940 South 5225 West**  
**R-1-8 Zone**  
**17 Lots**  
**3.98 Acres**

**BACKGROUND:**

Brad Mackay, representing Ivory Homes, is requesting final plat approval for the fourth phase of the Highbury Place Subdivision. The proposed application is located to the south and east of phase 2 and immediately to the north of the Valley Crest Elementary School.

**STAFF/AGENCY COMMENTS:**

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Follow recommendations outlined in the soils report.
- Will need to address grading and drainage concerns.
- Will need appropriate easements for storm water and sewer connections.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.

Building Division:

- Follow recommendations outlined in the Soils report.

Utility Companies:

Standard Utility Easements required.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.

**ISSUES:**

Ivory Homes has submitted the fourth phase of the Highbury Place Subdivision. This phase consists of 17 lots on 3.9 acres. Lot sizes range from 6,610 square feet to 11,636 square feet. The average lot size in this phase of the development is approximately 8,250 square feet.

As per the previous phases, housing will be based on the development agreement. In order to provide more variety, Ivory is continually working on new plans for this development. Additional plans have been prepared for the 2008 catalogue. A copy of this catalogue has been made available to staff.

Access to the subdivision will be gained from existing stub streets in phase 2 to the north and west. All streets in the subdivision will be dedicated and will consist of a 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. Ivory Homes has submitted a tree planting plan for the entire Highbury Place Subdivision. Ivory will provide home owners with a voucher to purchase said trees. The residential HOA will ensure that trees are planted according to this plan.

The subdivision is located to the north of the Valley Crest Elementary School. During the preliminary plat discussions, Ivory Homes committed to one and possibly two walkways to better access the school property. After Ivory's discussions with the Granite School District, the District stated that they would prefer one access as opposed to two. After evaluating the residential development planned for all of Highbury, it was agreed that the access should be on the west side of the school. Staff expects that this location was chosen as school children will also be coming from the higher density developments to the west.

Ivory Homes is planning on installing basements for all homes. A soils report has been prepared which indicates that ground water was encountered at a depth ranging from 5-10 feet below existing grades. The finished grade elevations in the subdivision will be raised approximately 2 feet making basements possible at this location. Ivory will also be installing a sub-drain system to provide an extra measure of protection for new home owners.

#### **STAFF ALTERNATIVES:**

- A. Grant final plat approval for the fourth phase of the Highbury Place Subdivision subject to the following conditions:
  - 1. That the subdivision be guided by the design standards and all exhibits of the development agreement.
  - 2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
  - 3. That compliance be made with Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.

4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
  5. That the developer follow all recommendations outlined in the soils report. The proposed sub-drain system shall be reviewed and approved by the City Engineering Division.
  6. That the proposed development comply with all provisions of the West Valley City Fire Department.
- B. Continue the application to address issues raised by the Planning Commission.

**Applicant:**

Brad Mackey  
978 Woodoak Lane  
SLC, UT 84117

**Neutral**

Keith Bradshaw  
2500 S. State St.  
SLC, UT 84115

**Discussion:** Steve Lehman presented the application. Brad Mackey, the applicant, stated that the project is progressing well and would like this phase to continue the positive response Ivory has received for this development.

Commissioner Conder stated that he felt it was important to provide an entrance to the school. His primary concern is that other phases will be built and safety standards will not be appropriately assessed for children living in this neighborhood. Mr. Mackey stated that the phase will be completed by early next year. Commissioner Conder asked if people were moving in already. The applicant stated that people would be moving in soon. Commissioner Conder asked if a sidewalk has been completed for children attending the school leading to 3100 South. The applicant replied that this sidewalk has been completed. Commissioner Mills clarified that direct access to the school will not be provided until after phase 4 is completed. Mr. Mackey replied yes. Commissioner Mills expressed her concern that often times a slack in development occurs and children will be forced to go without a sidewalk for a period of time. Mr. Lehman explained that school children will be able to walk along Daybury and along 3100 South. He explained that it's not a conducive environment because 3100 South is a relatively busy street but accommodations have been made so children will not have to walk on dirt or the road.

Commissioner Conder questioned if it would be appropriate to include, as a condition, that the west entrance to the school be provided and that a sidewalk be temporarily

constructed. Mr. Lehman stated that a suggestion could be made to Ivory Homes to take this into consideration but it would likely not be appropriate to make this a condition for this plat since the walkway will be included in a future development, possibly this year. Commissioner Matheson disagreed with Commissioner Conder and stated that the back of the school isn't paved and that a sidewalk built would be going to grass. If the connection waits, asphalt will be provided as a safer walkway for children. Commissioner Conder stated that he felt walking down Daybury and across 3100 south was too far. Commissioner Matheson stated that it should be okay as long as there is access to the school. He continued to state that it wouldn't make sense to build the sidewalk and then remove it a year from now. Mr. Lehman added that Ivory seems to be moving quickly through this development and the next phase will likely provide the access to the school.

Commissioner Fuller asked if a lot of children go to the school via 3100 south. Mr. Mackey replied yes. Commissioner Fuller asked what would happen if the plans developed in a different direction and the sidewalk is not built with these phases. Mr. Lehman explained that this would require the applicant to return to the Planning Commission because only a certain area was approved in the preliminary plats. Mr. Lehman added that he believes a walkway will be provided sooner rather than later.

Keith Bradshaw, a representative of Granite School District, stated that an opening onto the asphalt can be worked out with Ivory Homes. Mr. Bradshaw added that negotiations are being discussed with Zions on a school to the north of this development and Granite School District is planning ahead.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the 6 staff conditions as well as a recommendation to the developer to consider possible solutions in providing a walkway to the school.

Commissioner Davis seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous –S-5-2008– Approved**

**S-8-2008**

**Una Casa Subdivision – Preliminary Plat**

**5901 West Parkway Blvd.**

**R-1-10 Zone**

**34 Lots**

**12.0 Acres**

**BACKGROUND**

Mr. Gordon Casey, is requesting preliminary plat approval for the Una Casa Subdivision. The subject property is located at 5901 West Parkway Blvd. The proposed subdivision is bordered on the north by Parkway Blvd., the east by the Rocky Mountain Corridor, the south by residential development and the west by the Foxwood Park Subdivision.

The subdivision is located in an area that will likely be impacted by the future Mountain View Corridor. The attached map shows how the Mountain View Corridor would impact this property, not necessarily with the road itself, but the relocated power lines, which at the present time are located immediately to the east of the proposed subdivision. The property owner and UDOT have been in negotiations regarding the potential acquisition of this property. To staffs knowledge, a resolution has yet to be reached. Staff is obligated to process the application submitted by Mr. Casey.

**STAFF/AGENCY CONCERNS:**

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

- Project will need an availability letter for water, sewer and fire protection.
- Subject to design and review inspections.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment,

relocation, piping or any other modifications to existing ditches or irrigation structures. Will need to evaluate how developer will handle proposed storm water.

- Dedication and improvements required along Parkway Blvd.
- Coordinate storm water drainage with Public Works.
- Soils report will be required.
- Will need to evaluate traffic calming techniques.

Building Inspections:

- Soils report will be required prior to final plat.

**ISSUES:**

The developer is proposing a preliminary subdivision consisting of 34 lots on 12.0 acres. This equates to an overall density of 2.8 units per acre. Lot sizes range from 10,000 to 18,351 square feet, with an average lot size of 11,033 square feet.

Access to the subdivision will be gained from Parkway Blvd. and from an existing stub street to the south. The cross section to be used throughout the subdivision will consist of a standard 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. The developer will need to transition the new improvements with the existing improvements to the south. The developer will need to coordinate the dedication and improvements along Parkway Blvd. with the City Engineering Division.

The subdivision is located in an area that has historically demonstrated a high water table. A soils report will be required to address this issue. There is also a concern with regards to fill that has been brought to this site. The soils report shall address the existing fill, its characteristics and recommendations regarding construction practices for new single family dwellings. This report shall be made available prior to final plat submittal. If basements are not allowed in the subdivision, requirements in the newly adopted housing ordinance will apply. Essentially, for homes without basements, the dwelling size increases by 100 square feet, the garage will increase to a 24 by 24 dimension and/or other storage options could be negotiated with a development agreement.

The proposed subdivision is zoned R-1-10. This zone requires that the minimum lot size be 10,000 square feet and that the frontage of proposed lots be 90 feet. The preliminary plat illustrates that all lots meet or exceed the requirements.

Housing for this development will be in accordance with the City's single family design standards. Staff is not sure if the developer intends to build at this location or will plat the subdivision and sell lots to one builder or multiple builders.

There are a few lots that back on to Parkway Blvd. City ordinance will require that a masonry wall be installed. Staff would recommend that if the subdivision is built, that the masonry wall be consistent with the wall of the Foxwood Park Subdivision to the west.

Due to the configuration of the property, a fairly long straight street is proposed. The developer has coordinated this issue with the City Engineering Division. An off-set has been planned in the middle of the street along with two traffic tables. These proposal will be reviewed by the City Engineering Division.

#### **ALTERNATIVES:**

- A. Approve the Una Casa preliminary plat subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  2. That the subdivision name and interior street names be approved by Salt Lake County.
  3. That an appropriate ground water and soils investigation be made by a certified engineer. Said report shall be reviewed by the City Engineer and Building Official prior to final plat review. The soils report shall also address the fill that has been imported to this site.
  4. That interior street widths and cross sections be reviewed and approved by the Public Works Department.
  5. That all matters pertaining to any existing irrigation system be addressed with the Public Works Department.
  6. That the developer coordinate storm drain concerns with the Public Works Department.
  7. That Parkway Blvd. and all interior streets be dedicated and improved according to plan and profiles approved by the City Engineering Division.
  8. That the developer resolve all staff and agency concerns.

9. That a masonry wall be installed along Parkway Blvd. Said fencing shall be coordinated with the developer of the Foxwood Park Subdivision.
  10. That proposed methods to calm traffic on 5860 West be evaluated and approved by the City Engineering Division.
- B. Continuance to allow the developer an opportunity to address issues raised during the Planning Commission meeting.

**Applicant:**

Gordon Casey  
2885 S. Main St.  
SLC, UT 84115

**Favored (representing applicant)**

Eric Bishop  
44 Wanderwood Way  
Sandy, UT 84092

**Discussion:** Steve Lehman presented the application. Mr. Lehman updated the Planning Commission by stating that UDOT has been contacted regarding this plat but staff has not yet received a formal response.

Commissioner Matheson stated there is a sewer line at this location and questioned if it was still in use. Eric Bishop, representing the applicant, explained that the sewer line is being used and the plat will be adjusted to accommodate it. If this project ends up getting built, the subdivision will tie in with the sewer line.

Commissioner Davis asked if it was difficult to demonstrate that soils are solid enough for development. Mr. Bishop explained that everything will be determined in a soils report. This consists of digging holes to find water and leaving monitors to determine what happens over a period of time. If water is a problem, a subterranean drain will be installed.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for approval subject to the 10 staff conditions.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes

Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous – S-8-2008 – Approved**

**CONDITIONAL USE APPLICATIONS:**

**C-1-2008**

**T-Mobile**

**6744 West 3800 South**

**A Zone 9.8 Acres**

This conditional use application for a telecommunications monopole on the grounds of the Douglas Orchard Elementary School was continued from the Planning Commission public hearing on February 13, 2008. The Planning Commission voted for continuance to allow the applicant additional time to further explore more appropriate locations for the monopole on the school grounds.

The applicant has submitted a letter stating the intention to present additional information to the Planning Commission and appeal for reconsideration of the original proposed site that was presented at the February 13th meeting. The letter additionally stated that a representative from the Granite School District as well as the principal of Orchard Elementary will be present at the public hearing. A copy of this letter as well as a copy of the staff analysis from the February 13<sup>th</sup> meeting are included in this packet. The applicant has submitted a packet with information on justification for this telecommunication facility, which is also included in this packet.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. The monopole shall meet all requirements of the Wireless Telecommunications ordinance, including height, diameter, antenna placement, etc.
  2. The brick used for the equipment building shall be similar to that used on the main school building.
  3. All fencing and enclosures shall be of a type that will ensure that the site cannot be climbed and/or accessed by unauthorized personnel and will ensure the safety of children using the playground either during or after school hours.

4. The monopole and equipment shelter shall be situated in an area that is acceptable to the West Valley City Planning Commission.

Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Jerome Gourley  
260 Ashcreek Dr.  
Taylorsville, UT 84774

**Favored**

Keith Bradshaw  
2500 South State St.  
SLC, UT 84115

**Favored**

Rebecca Tesch  
2605 Westshire Cir.  
WVC, UT 84118

**Opposed**

Scott Feulner  
3621 S. 6800 W.  
WVC, UT 84128

**Opposed**

Vaughn Feulner  
3515 S. 6800 W.  
WVC, UT 84128

**Discussion:** Ron Weibel presented the application. Commissioner Conder commented that the letter received from the KEG company states that staff recommended approval. Commissioner Conder asked if this is correct or if this portion of the letter should be deemed inaccurate. Mr. Weibel replied that this statement is not correct and that staff stated that the monopole meets all requirements by ordinance and provided a suggestion of alternatives.

Keith Bradshaw, a representative of Granite School District, explained that several groups have evaluated Orchard Elementary School. There have been multiple problems in regards to drainage issues at the school and the north and south sides of the grounds have been dug up to try and prevent this problem from occurring. Mr. Bradshaw explained that Sprint was allowed to place an antenna on the roof and since elementary schools are not as strong as high schools, this caused further drainage problems. Mr. Bradshaw stated that Granite School District does not want the equipment building close to the school because of safety concerns for children and the added weight potentially causing further issues with drainage. This means that there is no where else to hold the equipment but at the proposed location. Commissioner Matheson stated that there are easy ways to fix drainage issues. Mr. Bradshaw replied that options have been looked at but none have worked thus far.

Commissioner Conder stated that he is curious to understand the process and would like to know how much of the revenue benefits Orchard Elementary directly. Mr. Bradshaw answered that an even portion is distributed to all schools in the Granite School District.

Commissioner Davis questioned the rationale for choosing this location versus another and stated that this area is used as a park by the community. Commissioner Davis expressed her concern for the safety of children and stated that the monopole seems to be

in a hazardous location for people using the area. Mr. Bradshaw explained that the other locations that were considered were too close to a neighboring residential zone and did not qualify. He explained that the material used to enclose the pole will be brick and a protective fence will be placed around the cell tower and pole. Commissioner Davis clarified that a sidewalk will still remain around the site and that it will be moved to accommodate the monopole.

Commissioner Matheson stated that the provider will have to access the building and there should be some sort of path to prevent damage to school grounds. Mr. Bradshaw explained that there are other schools with cell towers on the grounds and the provider is liable for any damage the trucks cause. The applicant, Jerome Gourley, stated that technicians are never on the property during daytime hours and would only ever access the monopole at night. Commissioner Davis asked what would happen if the adjacent property were rezoned to residential. Ron Weibel explained that it would then become non-conforming but would still remain. Mr. Gourley stated that this pole would serve West Valley City and its many residents in this area. Mr. Bradshaw added that in addition to safety regarding drainage problems, the pole is in a better place for the children as well. There have been incidents with children climbing on top of the roof at other schools because of the equipment building being too close to the school.

Rebecca Tesch, the principal of Orchard Elementary School, affirmed that she was involved and included in the decision on deciding the monopole location. She added that PTA is very supportive and helped identify the location that would have the least negative impact on the school and its students. Ms. Tesch stated that she had originally hoped for the corner of the field but it was non-conforming at this location. The proposed location was the next choice because it is in the middle of the 2 sides of the field used for recess. Ms. Tesch added that there is a wide enough walking path that may provide access for trucks. Ms. Tesch also stated that the school does benefit greatly from these monopoles, explaining that the safety patrol program and other safety related activities would benefit from this telecommunications pole.

Mr. Gourley concluded by stating this is a very important site that has been carefully evaluated and well thought out by all parties involved. Mr. Gourley stated that Ms. Tesch and her staff could have a combination to the gate to retrieve items, like balls, that could potentially be thrown over the gate. Mr. Gourley added that vandalism is rare on this type of site. Mr. Weibel added for the record that there have been 2 phone calls and an email from residents who are opposed to this application.

Scott Feulner, co-owner of the horse pasture behind the monopole's proposed location, stated that he is opposed to the monopole and said there are no immediate plans to develop the property. He explained that there will be a significant impact to the land value especially since the pole will be right on their fence. Mr. Scott Feulner stated that

he has experienced problems with people climbing over the fence into his property in the past and feels that the building surrounding the monopole will create additional access for trespassers on his property. Mr. Scott Feulner also added that the monopole is an eyesore to the community

Vaughn Feulner, the other co-owner for the horse pasture behind the monopole's proposed location, stated that every time he irrigates his field, he has to throw items back over the fence. Mr. Feulner stated that notification problems led him to missing the last meeting but doesn't want this to be mistaken as a lack of concern. Mr. Vaughn Feulner stated that when he decides to develop this land, the monopole will have a negative impact on property value. He spoke with Lyn Payden of Davis USA Corporation and acquired a letter stating that there is ample evidence to support concern in relation to health, visual impact, etc. Mr. Vaughn Feulner stated that if the school is not concerned about a negative impact, it should be closer to their building. Orchard Elementary is located on 10 acres of land that Mr. Vaughn Feulner explained was previously owned by his father. His family reluctantly sold the land and the Feulner's feel they have sacrificed enough for the Granite School District.

Commissioner Conder asked Ron Weibel to clarify condition number 4 on the analysis provided for the Planning Commission. Mr. Weibel explained that a condition of approval can only be placed to mitigate land use for the present and the Planning Commission should not look to future land use.

Commissioner Matheson explained that he felt there were 2 valid reasons for not having the monopole. The first is the affect on property values as stated by a certified professional. The other issue Commissioner Matheson feels is a problem is that he believes there needs to be a hard service to provide access for the trucks needing to access the pole. Claire Gillmore, assistant city attorney, stated that property value is not an appropriate aspect to consider. Property values fluctuate and the goal of the Planning Commission is to mitigate current land use problems. Ms. Gillmore continued to state that the hard surface for trucks is not justifiable because there is a spoken testimony provided by the landlord who is not concerned with this particular issue.

Commissioner Mills stated that it seems the ordinance is too lax in reference to this issue. Commissioner Mills expressed her consternation that agricultural property is valued less than a residential one. She believes the ordinance needs to be revisited and possibly updated. Commissioner Mills also expressed her concern that the back of the playground is not monitored and this presents many safety concerns. However, Commissioner Mills stated that her concerns cannot be appropriately and legally addressed because of the current ordinance.

Mr. Gourley stated that this location has been reviewed multiple times by everyone

involved and everything meets the City's ordinance. Mr. Gourley expressed his frustration and stated that the Planning Commission seems to be searching for any excuse to deny this application. Mr. Gourley stated that T-Mobile has many cell towers throughout the school district and are well aware of all safety standards that need to be taken into consideration. This monopole does meet all the criteria and is in an approved and safe location.

Vaughn Feulner asked if there has been a study further south at the Frito Lay company where these issues will not be a problem. Commissioner Fuller stated that this would be too far away for the coverage that T-Mobile requires. Vaughn Feulner asked if the monopole could be moved east or west on the property but Mr. Weibel explained that the pole could not be moved closer than 200 feet to either the east or west property line due to the requirements listed by the ordinance. Mr. Gourley stated that he has a background as a realtor and there is no evidence to suggest properties are devalued by telecommunication poles. Landlines are dropping in number and significance but this decision cannot be made based on future needs.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to the first 3 staff conditions, eliminating the 4<sup>th</sup> condition, and adding that a 12 foot wide hard surface be provided to allow truck access to the monopole

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	No
Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Majority – C-1-2008 – Approved**

**C-4-2008**  
**JRCA Architects**  
**Cyprus Credit Union**  
**2769 South 5600 West**  
**C-2 Zone (1.32 Acres)**

The following application was continued from the February 13, 2008 hearing to allow time for the applicant to submit alternative building elevations.

The applicant, JRCA Architects, is requesting a conditional use permit for a Cyprus Credit Union. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates Business Research Park and Mixed Use development for this area. The surrounding zone is C-2. The surrounding uses include additional retail and office type uses located in the Shoppes at Highbury development.

The building on site will be approximately 3400 square feet. There is a drive-thru teller area located along the east side of the building that is approximately 3000 square feet and does provide adequate stacking area for vehicles. The building is constructed out of a combination of stucco, concrete, metal and brick veneer with a design similar to the branch located at 134000 South in Riverton, UT. The applicant has revised the original design that was submitted and added brick veneer along the main entryway, horizontal banding to the brick veneer on the south elevation and all storefronts will be aluminum. This design does meet the requirements of the Design Guidelines for Commercial Buildings.

Landscaping occupies approximately 20% of the site which exceeds the 15% requirements of the C-2 zone. The landscaping along 5600 West is not included in boundaries of this application but will meet the 5600 West Overlay Zone requirements and will be completed as part of the overall shopping center approval.

Fourteen parking spaces are required for this use and nineteen have been proposed. A pedestrian walkway is proposed through the parking area, which will connect the site to the main pedestrian circulation system on site. The portion that crosses the parking lot will require a change in paving material or texture. Additionally, at least 2 parking spaces for bicycles must be provided adjacent to the primary entrance.

There is a dumpster proposed along the north edge of the site. A 6-foot masonry enclosure must be constructed around the dumpster. It will also be screened by landscaping.

Signage for this project has not been determined or designed at this time. A building permit will be required for signage and the design will be brought back to the Planning Commission at a later study session for review.

**Staff Alternatives:**

**Approval**, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The building and site shall be constructed per the approved plans in accordance with the West Valley City Commercial Design Guidelines and the 5600 West Overlay Zone. Which includes bicycle parking and a change in paving material, pattern or color for pedestrian walkways that cross the parking lot.
2. Signage must comply with the West Valley Sign Ordinance and the sign package will be reviewed by the Planning Commission in a future study session.
3. A 6' tall masonry enclosure must be provided for the dumpster located on the north side of the site.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing.

**Applicant:**

Steve Fifield  
3876 W. Centerview Way  
West Jordan, UT 84084

**Discussion:** Jody Knapp presented the application. Commissioner Mills questioned what concealment would be used around the dumpster and questioned if a gate would be included. Ms. Knapp stated that the dumpster would have a 6 foot masonry enclosure with a secured gate.

Steve Fifield, representing Cyprus Credit Union, stated that is the 3<sup>rd</sup> branch with this similar design and 4 others are currently being considered. This addition will help provide consistency among various branches and help maintain a central image for the credit union. Mr. Fifield expressed that he feels this will be a solid addition for Cyprus Credit Union and West Valley City and also added that Zions Securities have reviewed and approved this design.

Commissioner Mills asked if the construction around the dumpster will be similar to the materials used on the building. The applicant replied that it would and added that the enclosure will not be a chain-link fence with slats but will consist of a higher grade material. Commissioner Mills asked if landscaping would be taken into consideration and questioned if evergreens would be included into the design. The applicant replied yes and

stated that the project will be visible from 5600 West and it is the desire of Cyprus Credit Union to conceal the dumpsters and make them apart of the building as much as possible.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Conder moved for approval subject to the 3 staff conditions and adding that the wall enclosing the dumpster should consist of a high quality material that matches the building and the enclosure should have a landscaping buffer.

Commissioner Davis seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous – C-4-2008 – Approved**

**C-5-2008**

**Family Support Center**

**3663 South 3600 West**

**Crisis Nursery and Counseling Center**

**RB Zone (0.25 acres)**

This application was continued during the public hearing on February 13, 2008. The motion for continuance was to allow the resolution of issues (primarily parking) that were raised during the public hearing. The motion for continuance also included a provision that this application would be on the February 27<sup>th</sup> agenda as a decision only item with no additional public input.

Bonnie Peters with the Family Support Center has requested a conditional use for a crisis nursery and counseling center on a 0.25 acre parcel at 3663 South 3600 West. The subject property includes a home that, according to Salt Lake County, was built in 1962. The property is zoned RB (residential business) and is designated as office in the West Valley City General Plan. Surrounding uses include the St. Peter and Paul Catholic Church to the north, Granger High School to the west, vacant property to the east (which is also zoned RB), and single family homes to the south.

In 1971 the Salt Lake County Planning Commission approved a conditional use permit on the subject property for a physical therapy office. This use was licensed up until 1996. Prior to 1971 the property was used as a hamburger stand. The property is currently in residential use.

The RB Zone allows a psychiatrist office as a permitted use and a day care and an instructional facility as conditional uses. The proposed use of a crisis nursery and counseling center is similar to these uses in that it includes counseling, child care, and parent education. The proposed use is described in the attached letter from Bonnie Peters dated January 22, 2008.

Several issues were discussed during the public hearing on the February 13<sup>th</sup>. The primary issue raised was concerning parking. Specifically, the following questions were raised:

- How many parking spaces are needed for this use?
- Should tandem or stacked parking be allowed?
- Should parked vehicles be allowed to back onto the street?
- Should parking across the street on the Catholic Church property be allowed?

The Planning Commission requested an administrative determination from the Zoning Administrator to address these questions. A copy of the requested administrative determination is attached. This determination addresses the first three questions listed above. The last question related to off-site parking was addressed by our legal department. The legal department's opinion is that the ordinance does not allow for shared parking at the Catholic Church property since it is across the street.

#### Recommended Conditions of Approval

In light of the administrative determination on parking, our legal department's opinion on shared parking, neighborhood concerns, applicant commitments, and staff concerns, staff recommends the following conditions of approval:

1. By April 1, 2008, City staff shall inspect the landscaping on the site. Any areas on the site that are not paved or covered with a building shall be maintained as landscaping that is in a healthy condition and free of weeds. After the staff site inspection, any areas that devoid of landscaping or that are in need of repair shall be improved or replaced by the owner by June 1, 2008.
2. The existing 7' wooden fence along the south property line shall be replaced with a 7' concrete or masonry wall.
3. Parking shall be provided as described in the administrative determination from the Zoning Administrator. Any shared parking arrangement shall meet the provisions of Section 7-9-106. No shared parking shall be allowed that requires the utilization of a public street.
4. An amended site plan and a grading and drainage plan must be submitted by the applicant and reviewed and approved by staff before any new parking layout is constructed.
5. Children cared for at the facility shall be no older than 11 years old.

6. The facility shall be licensed by the State as a residential support program. A West Valley City business license is also required.
7. A building permit shall be obtained for the building addition as well as for any interior remodeling.
8. A 4/1 ratio of children to adults shall be maintained at all times.
9. No more than 8 children shall be kept overnight.
10. During the daytime, the maximum number of children shall be 16.
11. A counseling session shall not be allowed when a class is held.
12. Counseling sessions shall not be for substance abuse or other addictions. Counseling sessions shall not be for perpetrators of sexual abuse. In other words, no pedophiles will receive counseling.
13. The maximum attendance per class shall be limited to 10 people.

**Staff Alternatives:**

1. Approval, subject to the 13 conditions listed above.
2. Continuance, for reasons determined at the public hearing.

**Applicant:**

Bonnie Peters  
777 W. Center St.  
Midvale, UT 84047

**Discussion:** Steve Pastorik presented the application. Commissioner Matheson stated that no conditions were included in the analysis about upgrading the building and stated that the applicant should be required to update the roofline to better enhance the building. Mr. Pastorik explained that in commercial design standards, the new ordinance requirements only apply when a new building is being constructed, a site is re-developing, or square footage is being added to the building that increases the area by 50% or more. Based on this clarification, these standards cannot be applied to this application. Claire Gillmore, assistant city attorney, affirmed that this statement is true.

Commissioner Davis questioned if parking would still be allowed on the street. Mr. Pastorik stated that it would not be permitted as determined by Ron Weibel's administrative determination. Commissioner Davis asked if the Planning Commission had any control over the upgrade and remodel of the house itself. Commissioner Matheson stated that the Planning Commission could suggest an upgrade in the proposal.

Commissioner Fuller stated that the Planning Commission would need to ensure that classes will not be held directly at the Family Support Center. Steve Pastorik stated that a condition could be made to ensure that classes are not allowed on-site. Commissioner

Mills asked for clarification on the classes and how they relate to parking issues. Steve Pastorik explained that there are two proposals from Bonnie Peters' letter. One would require a reduced class size that would allow 12 parking spaces and it would be the applicants responsibility to determine a parking configuration that meets all requirements. If the applicant is unable to fit 12 parking spaces, no classes will be allowed on-site and only 7 parking spaces will be required.

Commissioner Matheson explained that after studying the location and the way it's laid out, he believes that there could be 7 parking spaces provided on-site. Depending on the landscaping requirements, some of the parking may need to be in the setbacks. Commissioner Matheson continued to state that he is adamant on requiring a drop off and pick up location and is convinced that a circular drive can be configured into the parking plan.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Matheson moved for approval subject to conditions 1-10 and condition 12 from the staff report, eliminating conditions 11 and 13, adding a modification to condition 3 stating that 7 parking spaces are required on-site, modifying condition 8 to state a *minimum* 4/1 ratio of children to adults shall be maintained at all times, and adding an additional condition that a driveway must be provided for drop off and pick up.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous – C-5-2008 – Approved**

**C-7-2008**

**Sylex Concrete**

**2483 South 3850 West**

**Manufacturing Zone, 3.2 acres**

**Staff Presentation by Hannah Thiel, Planner I**

## **Background**

Martin Nielsen and W Kevin Jackson are requesting a conditional use approval for a concrete batch plant located at 2483 South 3850 West. This project has one building with 960 square feet of retail/office space and 2993 square feet of indoor warehousing/manufacturing. The project also has approximately 99,368 square feet of open storage; 22,656 square feet of which is paved for the storage of the dump truck and back hoe on site, as well as the trailer cement mixers. The building measures approximately 21 feet tall at the peak. A concrete plant with open storage of 50% of the site or more is a conditional use in the 'M' or manufacturing zone. This property occupies a total of 3.23 acres of land. The General Plan designates this property as Light Manufacturing that should Promote Quality Image.

The applicant has supplied 18 parking spaces on site and has agreed to add another 9 to meet the City requirements. The ordinance requires the following parking for this use: 18 spaces are currently proposed where 27 spaces are required by ordinance. (Office/ Retail use 960 sq ft @ 1 space/250 sq ft– 3 spaces required; Warehouse/ Manufacturing shop 2993 sq ft @ 1 space/500 sq ft – 5 spaces required; Open storage 99,368 sq ft @ 1 space/5000 sq ft - 19 spaces required).

The applicant has noted in the attached letter that the site is to be kept clean. The applicant responded to staff that this is a “dust free” facility. The hours of operation will be Monday through Saturday from 7 am to 5 pm. There are not currently plans for signs for this site. The project is proposing 15% landscaping on the site when 5% is required by ordinance. In addition, a six foot tall chain link fence with privacy slats is proposed around the property.

The property on every side of 2483 South 3850 West is zoned Manufacturing and are designated Light Manufacturing that should Promote Quality Image under the General Plan. As the surrounding uses are zoned and designated in the general plan as manufacturing uses, and the proposed architecture exceeds the minimum requirements of the zone, staff does not see this use adversely affecting neighbors or neighboring zones as long as any dust is controlled on site.

## **Planning Commission Concerns**

At the Study Session on February 20, 2008, the Planning Commission showed concern regarding dust from the site becoming a nuisance for neighboring sites as well as how much gravel will be stored on site and whether the proposed fence will screen the gravel and aggregate product visually as well as to screen dust from other properties.

## **Recommendations/ Staff Alternative**

- Approval subject to any issues raised at the public hearing as well as the following conditions:
  1. That an eight foot masonry fence, that matches the building, be built around the open storage area to mitigate dust that may encroach onto neighboring property as well as to screen potentially visible aggregate, and that the Planning Commission review the fence material in a Study Session.

2. That the applicant adhere to all OSHA and regulated air quality acts to promote a safe site for customers, employees, and neighbors; this would include keeping dust down by spraying aggregate piles with water prior to moving while outdoors in the dry months.
  3. That complete and revised development plans shall be submitted that are in compliance with all city ordinances and codes of all West Valley City departments.
  4. That the applicant shall submit a building permit application for signs desired on the site and that any proposed monument signs be reviewed by the Planning Commission in a Study Session prior to obtaining a building permit. All signs shall be in compliance with regulations for signs contained in Title 11 of the West Valley City Code.
  5. That a valid West Valley City Business License be reviewed and approved prior to any and all business functions at this location and after all building permits and a certificate of occupancy have been reviewed and approved.
  6. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing; and/or to review complete architectural elevations.

**Applicant:**

Martin Nielson  
9563 S. 2700 W.  
South Jordan, UT 84095

**Discussion:** Hannah Thiel presented the application. Martin Nielsen, the applicant, stated that his main concern was the requirement of an 8 foot masonry fence. He stated that this kind of requirement would be too expensive, would probably end the project, and wouldn't aesthetically fit with the area. Mr. Nielsen explained that the concrete plant has a negative pressure so none of the dust can come out of the building and any sand and gravel used would be washed so there should be no problem with wind causing problems. Commissioner Mills stated that during the dry summers the winds pick up a considerable amount and questioned if washed sand still blows. Mr. Nielsen stated that there are a lot of cost efficient ways around this including the implementation of sprinklers to ensure that sand and gravel is kept moist.

Commissioner Conder asked how high the pile of sand and gravel would be. Mr. Nielsen explained the material would be kept inside a 4 foot deep concrete enclosure that is about 15 feet by 15 feet wide and the material would not go higher than this space allows. Mr. Nielsen continued to add that he believes a 6 foot white or tan vinyl fence would be efficient and would look a lot nicer. If this material were proposed by the Planning Commission, he could put the fence around the entire site to provide a more attractive

appearance for the area. Commissioner Fuller asked if the open storage area in the back is used at all. Mr. Nielsen replied that it may be used a minimal amount but that area is planned for future development.

Commissioner Conder stated that the point of the fence was implemented in the alternatives to mitigate dust. However, Commissioner Conder feels the applicant has provided sufficient evidence that the dust will not become a problem added to the fact that the applicant will still need to meet air quality acts. Commissioner Conder feels that these two facts satisfy his concerns. Commissioner Conder added that a 6 foot vinyl fence is a better option because the 8 foot masonry wall is cost prohibitive. Commissioner Davis agreed and added that the vinyl fence would better fit the area. Commissioner Fuller asked the applicant if the entire site could be fenced with the masonry wall being changed to a 6 foot vinyl one. Mr. Nielsen stated that he prefers this change and would be happy to fence the entire site.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the 6 staff conditions and modifying the first condition to state that a 6ft vinyl fence be built around the entire site.

Commissioner Davis seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Excused
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous – C-7-2008 – Approved**

**C-16-2007**

**Shoppes at Lake Park Sign Review**

**2911 South 5600 West**

**General Commercial Zone, 1.28 acres**

**Staff Presentation by Hannah Thiel, Planner I**

**Background**

Trevor Gasser is requesting a condition of approval review for a monument sign. The monument sign would be a multi-tenant sign located at 2911 South 5600 West. The applicant was approved

for a conditional use for the Shoppes at Lake Park Phase 2 on March 22, 2006 and then approved for a conditional use for a multi-tenant retail building on Pad 6 on May 23, 2007. This condition of approval review was initially reviewed in a Planning Commission Study Session on February 6, 2008.

The Shoppes at Lake Park Phase 2 site plan was approved at the time the conditional use was approved. This site plan did show potential locations for signs on the site plan. However, a condition of approval in each conditional use application for the entire Phase 2 as well as Pad 6 requires the applicant to bring in a sign plan showing sign elevations as well as locations of signs for Planning Commission review.

At a Planning Commission Study Session on February 6, 2008, Trevor Gasser requested the attached site plan as well as the attached multi-tenant monument sign be approved. The Planning Commission determined that one sign would be enough for that section of the Shoppes at Lake Park and approved the proposed multi-tenant monument sign on the corner of Highbury Parkway and 5600 West.

The multi-tenant monument sign that Trevor Gasser is proposing was intended as a sign for pad 6 and the second sign on the corner is meant to serve Shoppes at Lake Park Phase 2 and not just Pad 6. There are not currently plans for the sign on the corner that would serve the whole site, but it is intended to be a multi-tenant pole sign. The proposed monument sign is 10 feet tall and has a face of approximately 70 square feet. The minimum setback would be 10 feet from the street property line. The monument sign currently proposed is required to be located at least 100 feet from the sign proposed in the future on the corner if the sign on the corner is a monument sign (although a pole sign is currently desired). Approximately 80 feet is currently the proposed separation. Planning Commission does have the power to approve a lower separation between signs than that required by ordinance. The sign ordinance only allows one sign per 200 feet of frontage, where one frontage may have at least one sign. However, as this site has two frontages, the corner sign could be considered a sign on Highbury Parkway frontage.

### **Planning Commission Concerns**

The Planning Commission expressed concerns for too much signage in study sessions on February 6, 2008 and February 20, 2008. One concern is that too much and close proximity of signage can actually detract from the quality of a business and site. Another concern is how large the signs are that may go in around this pad. If all pads have a sign that is ten feet tall, they are so close together, and the businesses have wall signs, the area may feel flooded with advertisement.

### **Recommendations/ Staff Alternatives**

- Alternative Approval 1 subject to any issues raised at the public hearing as well as the following conditions:

- That the proposed multi-tenant monument sign be approved on the corner of 5600 West and Highbury Parkway, as approved in the Planning Commission Study Session on February 6, 2008.
  - That no other monument or pole sign be approved on Pad 6 of the Shoppes at Lake Park Phase 2.
  - That a valid Building Permit be obtained for any and all Planning Commission approved signs.
  - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Alternative Approval 2 subject to any issues raised at the public hearing as well as the following conditions:
  - That the proposed sign site plan for Pad 6 be approved with the approval of the proposed multi-tenant monument sign.
  - That the sign proposed for the corner of 5600 West and Highbury Parkway return to the Planning Commission for review in a Study Session or if deemed necessary, a Public Hearing.
  - That all other monument signs proposed on 5600 West in the Shoppes at Lake Park Phase 2 be a maximum of 6 feet in height.
  - That a valid Building Permit be obtained for any and all Planning Commission approved signs.
  - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of the Condition of Approval Review for reasons of “rational nexus”

**Applicant:**

Trevor Gasser  
74 E. 500 S.  
Suite 200  
Bountiful, UT 84010

**Discussion:** Hannah Thiel presented the application. Commissioner Conder asked how many buildings there are. Ms. Thiel replied that there is one multi-tenant building. The applicant, Trevor Gasser, explained that there seemed to be a misunderstanding that both signs would be used for pad 6. The sign for pad 6 is the most important because it services the entire retail building which is the biggest pad on 5600 west. The other sign, the corner sign, will not be used until future retail shops enter the site. Mr. Gasser stated that signage is very important for marketing on the busy 5600 west.

Commissioner Conder explained that part of the Planning Commission's goal is ensure that the City appears aesthetically pleasing. Commissioner Conder continued to state that approval of too much signage causes areas to become overly cluttered and questioned what kind of assurance the Planning Commission has that a similar situation won't happen here. Mr. Gasser replied that the goal for this pad is to keep it consistent with the first phase with good, attractive signs that don't clutter up the area in an unattractive way. Commissioner Conder asked if tenants are allowed to display temporary signs. Mr. Gasser explained that other tenants have an OEA with Kohl's who maintains strict sign regulations and rarely allows for any temporary signage. Commissioner Mills commented that the proposed monument sign is attractive but the appearance is not the problem, it's the abundance of signs in the area. Commissioner Mills stated that the Planning Commission is trying to create well planned and attractive communities and people are already very familiar with the area. Mr. Gasser explained that the sign meets all requirements of the ordinance and the goal for this pad and phase one is consistency. Signage brings in both customers and tenants and this contributes to West Valley City.

Commissioner Mills stated that the sign is 80 feet apart from the closest sign and questioned what the ordinance required. Ms. Thiel explained that the ordinance is written in the monument sign section and pole signs are referred to that section to meet the same criteria of 100 feet. The zoning administrator can be questioned for his interpretation on whether this implies monument signs should be 100 feet from pole signs or if pole signs should be 100 feet from one another. Commissioner Mills stated that the intent of the 100 foot spacing ordinance was to prevent cluttering and 5600 west could rapidly become an undesirable replica of 3500 south. The opportunity to create a new streetscape is being presented and effective signage that doesn't negatively impact the overall feeling of the area needs to be appropriately explored. Commissioner Conder agreed and suggested that a condition could be that no temporary signs be allowed to prevent repetition and clutter. Commissioner Mills disagreed and stated that many tenants may need temporary signs to advertise special sales.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Davis moved for continuance

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Excused
Commissioner Mills	Yes

Vice-Chairman Fuller                      Yes

**Unanimous – C-16-2007 – Continued**

**C-24-2006**

**Ken Garff West Valley Dodge Sign Review**

**4175 West 3500 South**

**General Commercial Zone, 11.61 acres**

**Staff Presentation by Hannah Thiel, Planner I**

Ken Garff is requesting a condition of approval review for a pole sign located at 4175 West 3500 South. The applicant was approved for a conditional use for an expansion of Ken Garff West Valley Dodge on October 11, 2006 with condition # 2 as “All signage shall be approved by the Planning Commission as part of the conditional use. Detailed sign elevations and site locations shall be part of the sign plan.” The pole sign currently located on the Ken Garff site existed at the time this expansion was approved by the Planning Commission in 2006. The attached minutes from the original approval of the expansion of the Ken Garff Site indicates that the applicant was intending to use a monument sign on 3500 South but had not submitted any plans at that time.

Ken Garff West Valley Dodge is now proposing an electronic message pole sign. The maximum square footage for a pole sign is 200 square feet. An electronic message sign can occupy a maximum of 50% of the face of the pole sign. The applicant has submitted two renderings of pole signs and if the frame for the electronic message sign is not counted, one of them meets the requirement for a maximum of 50% coverage for the electronic message sign. The Planning Commission has the power to allow the applicant a larger percentage of electronic message sign than the 50% on the face of a sign. One of the two proposed options for a pole sign is 129.425 square feet with an electronic message sign that occupies 74.7% of the sign face. The second of the two proposed options for a pole sign is 197 square feet with an electronic message sign that occupies 49% of the sign face. Renderings for the two proposed pole sign options are attached. Both signs are at the maximum height of 25 feet tall. At 25 feet tall, the pole sign would be required to be located a minimum of 20 feet from the front property line. The proposed location for one of the pole sign options is in a landscaped area 200 feet from the eastern site property line and approximately 250 feet from the existing pole sign. The sign is required to be located at least 100 feet from any other pole sign and is limited to one sign per 200 feet of frontage on one parcel. The Planning Commission has the power to alter the required setbacks between signs. Only one pole sign is permitted per frontage, however, as the existing pole sign is on the corner of 4200 West and 3500 South, that sign could be considered to have frontage on 4200 West, permitting a second pole sign on 3500 South.

**Planning Commission Concerns**

At the Study Session on February 20, 2008, the Planning Commission was concerned about

allowing another large pole sign for the Ken Garff West Valley Dodge site. Concern was raised that as 4200 West is a public street, by ordinance, two frontages may be counted to allow two pole signs on site. This is a concern because the purpose of the ordinance allowing a pole sign per frontage is to allow adequate signage from two separate angles of traffic. As 4200 West is such a small street and the only development served by 4200 West that does not have frontage on another street is an apartment complex, it seems the notion for a pole sign on that frontage is 'double dipping' into the intent of the ordinance. If adequate signage is needed on 4200 West, it seems appropriate to locate the pole sign by the entrance to allow adequate customer circulation. Another concern for a second pole sign on site is how close together the signs would seem because of their sizes.

### **Recommendations/ Staff Alternatives**

- Alternative Approval 1 subject to any issues raised at the public hearing as well as the following conditions:
  - As 4200 West is only required to access apartments and used as a secondary entry for Ken Garff, that only one pole sign be permitted on site along 3500 South; where the existing pole sign may remain standing, or taken down if the electronic message pole sign is desired by the applicant.
  - That the proposed pole sign with electronic message coverage of 74.7% be permitted at the proposed location by the entrance on 3500 South or replacing the existing pole sign on the corner of 3500 South and 4200 West.
  - That a valid Building Permit be obtained for the installation of a sign.
  - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Alternative Approval 2 subject to any issues raised at the public hearing as well as the following conditions:
  - That an electronic message sign be approved in the form of a monument sign, to be reviewed by the Planning Commission in a Study Session, at the proposed location of the proposed pole sign.
  - That a valid Building Permit be obtained for the installation of a sign.
  - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Alternative Approval 3 subject to any issues raised at the public hearing as well as the following conditions:
  - That pole signs only be permitted at entrances to the Ken Garff Site. This would require the existing pole sign to be moved from the corner of 3500 South and 4200 West to the actual drive entrance into Ken Garff on 4200 West.

- That the proposed pole sign with electronic message coverage of 74.7% be permitted at the proposed location by the entrance on 3500 South.
  - That a valid Building Permit be obtained for the installation/ movement of signs.
  - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of the Condition of Approval Review for reasons of “rational nexus”.

**Applicant:**

Craig Rigby  
4738 Glenridge  
Murray, UT 84120

**Favored**

Kevin Christensen  
1700 E. 2900 S.  
SLC, UT 84115

**Discussion:** Hannah Thiel presented the application. The applicant, Craig Rigby, stated that the distance from the proposed pole sign to the next pole sign at Henry Day Ford is 450 feet. Mr. Rigby explained that his goal is to advertise the entire automall but has experienced some hold up with the change in ownership at Gus Paulos. There are two main entrances to the dealership and signage is needed for both entry points. Mr. Rigby added that Ken Garff has become one of the top 15 car dealerships in the nation and this location provides an important contribution to the company. Signage is a valuable marketing tool needed to promote Ken Garff as well as to draw customers to the West Valley City automall. Mr. Rigby stated that moving the sign down the road, an alternative presented by staff, isn't a logical option for marketability as well as the cluttering of a residential zone.

Commissioner Conder questioned the reasoning behind sharing the sign with the other dealerships in the area. Mr. Rigby stated that this has been discussed with the other dealerships but nothing has happened so far. Mr. Rigby would like to make the first move in creating a unified West Valley City automall by providing an electronic sign that all dealerships can utilize for advertising. This is the only location in the state of Utah that people can shop for all the domestic vehicles.

Kevin Christensen, representing the applicant, stated that the sign meets all the ordinances for the City. Mr. Christensen explained that the existing pole sign at the site is the only one that has been used for the last 10 years. This sign has been used to direct traffic from 3500 south but there is a new entrance to the dealership and a new sign is needed to draw customers to the building, located to the rear of the parcel. Mr. Christensen stated that he wants West Valley City to look nice as well and there are many signs on 3500 south that should be taken down because of overabundance and repetitiveness. However, this is a nice electronic sign that is needed and would provide a

positive quality for the area and for the West Valley City automall. Commissioner Conder questioned whether this sign would be better as a monument sign or a pole sign. Mr. Christensen stated that due to vandalism and the cost of repairing an electronic sign, a pole sign would greatly be preferred.

The Planning Commission discussed various aspects relating to the clutter of signage on 3500 south, revisited the various options they have with this particular application, and agreed that the overall perspective of the area needs to be taken into proper consideration.

There being no further discussion regarding this application, Vice-Chairman Fuller called for a motion.

**Motion:** Commissioner Mills moved for continuance

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Matheson	Excused
Commissioner Mills	Yes
Vice-Chairman Fuller	Yes

**Unanimous – C-24-2006 – Continued**

**PLANNING COMISSION BUSINESS**

Approval of minutes from February 6, 2008 (Study Session) **Not Reviewed**

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant